

1 William E. Cooper, Esq.
William E. Cooper Law Offices
2 Nevada State Bar No. 2213
601 E. Bridger Avenue
3 Las Vegas, Nevada 89101
(702) 382-5111

4 Attorney for Defendant,
5 Riccardo Iavarone

6
7
8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE DISTRICT OF NEVADA
10

11
12 GRAND CANAL SHOPS II, LLC, a)
Delaware limited liability company,)
13)
Plaintiff,)
14 vs.)
15)
RICCARDO IAVARONE; and DOES I)
16 through X, inclusive,)
17 Defendant.)
18

**NOTICE OF REMOVAL OF ACTION
UNDER 28 U.S.C. §1441(b) (Diversity)**

19 TO: CLERK OF THE ABOVE-ENTITLED COURT:

20 PLEASE TAKE NOTICE that Defendant Riccardo Iavarone ("Iavarone") hereby removes
21 to this court the state court action described below.

22 1. On November 9, 2011, an action was commenced in the Eighth Judicial District Court
23 of the State of Nevada, in and for the County of Clark, entitled: *Grand Canal Shops II, LLC v.*
24 *Riccardo Iavarone*, Case No. A-11-651-462-C, Dept. No. XIX. A copy of the Complaint is attached
25 hereto as Exhibit 1.

26 2. The first date upon which Defendant Iavarone received service of the Summons and
27 Complaint was January 24, 2012. A copy of the Summons and Acceptance of Service is attached
28 hereto as Exhibit 2.

1 3. On February 9, 2012, Defendant Iavarone filed his Answer to the Complaint in the
2 Eighth Judicial District Court. A copy of the Answer is attached hereto as Exhibit 3.

3 4. This action is a civil action over which this court has original jurisdiction under 28
4 U.S.C. §1332, and is one which may be removed to this court by Defendant Iavarone pursuant to the
5 provisions of 28 U.S.C. §1441(b) in that it is a civil action between citizens of different states and
6 the matter in controversy exceeds the sum of \$75,000, exclusive of interest and costs, because in
7 another civil action commenced in the Eighth Judicial District Court, in and for the County of Clark,
8 entitled *Grand Canal Shops II, LLC v. Lanciani of Las Vegas, Inc.*, Case No. 09A596584, Dept. No.
9 XI, Plaintiff recovered a money judgment in excess of \$244,898 which Plaintiff now seeks to recover
10 from Defendant Iavarone in this action under the theory that he was the alter ego of Lanciani of Las
11 Vegas Inc. at all relevant times. A copy of the Default Judgment in Case No. 09A596584 is attached
12 hereto as Exhibit 4.

13 5. Complete diversity of citizenship exists, both at the time when this action was filed
14 and at the time of removal, in that Plaintiff Grand Canal Shops II, LLC, is a Delaware Limited
15 Liability Company and its members/managers are citizens of the State of Illinois. See, Nevada
16 Secretary of State official public record attached to Defendant's Answer as Exhibit A; and at all
17 relevant times Defendant Iavarone was and is domiciled in and a resident and citizen of the State of
18 New York. See, Riccardo Iavarone's Affidavit attached to his Answer as Exhibit B.

19 6. There are no other named Defendants in this action that have been served with a
20 Summons and Complaint.

21 Dated this 10th day of February, 2012.

22 WILLIAM E. COOPER LAW OFFICES

23
24 By /s/ William E. Cooper, Esq.
25 William E. Cooper, Esq.
26 Nevada State Bar No. 2213
27 601 E. Bridger Avenue
28 Las Vegas, Nevada 89101
 Attorney for Defendant,
 Riccardo Iavarone

CERTIFICATE OF SERVICE

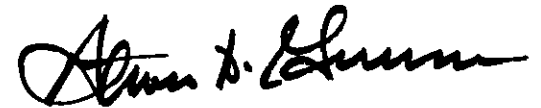
I hereby certify that a true and correct copy of the **NOTICE OF REMOVAL OF ACTION UNDER 28 U.S.C. §1441(b) (Diversity)**, has been forwarded to the following parties on the 10th day of February, 2012.

Via Regular Mail
Lesley B. Miller
Kaempfer Crowell Renshaw
Gronauer & Fiorentino
8345 W. Sunset Road, Suite 250
Las Vegas, Nevada 89113

By: /s/ Diedre N. Hoffman
Diedre N. Hoffman, an employee
of William E. Cooper Law Offices

EXHIBIT 1

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CLERK OF THE COURT

COMP

JAMES E SMYTH II

Nevada Bar No. 6506

LESLEY B. MILLER

Nevada Bar No. 7987

ANTHONY J. CELESTE

Nevada Bar No. 8776

KAEMPFER CROWELL RENSHAW

GRONAUER & FIORENTINO

8345 West Sunset Road, Suite 250

Las Vegas, Nevada 89113

Telephone: (702) 792-7000

Fax: (702) 796-7181

jsmyth@kcnvlaw.com

Attorneys for Plaintiff Grand Canal Shops II, LLC

DISTRICT COURT

CLARK COUNTY, NEVADA

GRAND CANAL SHOPS II, LLC, a Delaware
limited liability company,

Plaintiff,

vs.

RICCARDO IAVARONE; and DOES I
through X, inclusive,

Defendant.

Case No. A - 11 - 651462 - C

Dept. No. X I X

COMPLAINT

Plaintiff, GRAND CANAL SHOPS II, LLC ("Plaintiff"), by and through its attorneys,
Kaempfer Crowell Renshaw Gronauer & Fiorentino, for its Complaint against the above-named
Defendant, alleges as follows:

PARTIES

1. Plaintiff is, and at all times relevant herein was, a Foreign Limited-Liability
Company.

KAEMPFER CROWELL RENSHAW
GRONAUER & FIORENTINO
8345 West Sunset Road
Suite 250
Las Vegas, Nevada 89113

1 2. Upon information and belief, Defendant, RICCARDO IAVARONE
2 ("IAVARONE"), at all times relevant herein, was a resident of and living in the State of Nevada,
3 County of Clark.

4 3. The true names of the Defendants identified as "Does 1 through 10" [Doe
5 Defendants], are either unknown to Plaintiff, or their specific role in the conducts alleged herein
6 are presently unknown to Plaintiff, and therefore Plaintiff sues the Doe Defendants by such
7 fictitious names. Plaintiff will seek leave to amend this complaint to allege the true names and
8 capacities of the Doe Defendants at such time when they are ascertained. Plaintiff believes they
9 will be able to identify Doe Defendants after appropriate discovery has been completed.

10 **JURISDICTION AND VENUE**

11 4. Plaintiff repeats, realleges, and incorporates by reference the foregoing
12 paragraphs as if set forth in full herein.

13 5. This Court has personal jurisdiction over the Defendant because (a) the Defendant
14 was a resident of Nevada for purposes of personal jurisdiction and conduct business in Nevada,
15 and (b) the causes of action arise from events taking place at least in part in Nevada.

16 6. Pursuant to N.R.S. § 13.040, venue in this Court is appropriate because the one
17 Defendant resided in this County.

18 **GENERAL ALLEGATIONS**

19 7. Plaintiff repeats, realleges, and incorporates by reference the foregoing
20 paragraphs as if set forth in full herein.

21 8. On or about March 21, 2007, Plaintiff, as Landlord, entered into a Lease
22 agreement (hereinafter the "Lease") with Lanciani of Las Vegas Inc., a Nevada corporation, dba
23 Lanciani Travel Jewelry ("Lanciani"), as Tenant. The Lease was executed by Defendant
24 IAVARONE in his capacity of president of Lanciani.

1 9. Pursuant to the terms of the Lease, Lanciani agreed to lease Space #2010 in the
2 GCS Mall, located at 3377 Las Vegas Boulevard South, Las Vegas, Nevada 89109 (the "Leased
3 Premise").

4 10. The term of the Lease was for approximately ten (10) years commencing on June
5 1, 2007, and expiring February 28, 2017.

6 11. Pursuant to the terms of the Lease, Lanciani agreed to a Fixed Minimum Rent
7 payment schedule as well as other periodic payments as additional "Rent" for real property taxes,
8 utilities, Lanciani's prorata share of common area expenses (CAMs) and the Marketing,
9 Advertising, Promotional Service Charge.

10 12. On or about May 1, 2001, Plaintiff and Lanciani entered into the First
11 Amendment of Lease agreement which re-defined the Rent Commencement Date as June 22,
12 2007, and made no other changes or modifications to the Lease and ratified and confirmed all
13 remaining terms of the Lease. The First Amendment was executed by Defendant IAVARONE
14 as president of Lanciani.

15 13. On or about December 1, 2008, Lanciani ceased making payments owed to
16 Plaintiff under the Lease.

17 14. On or about May 29, 2009, Plaintiff sent Lanciani a Notice of Default for Non-
18 Payment of Rent and Other Charges in the amount of \$79,685.47.

19 15. Notwithstanding receipt of the Notice of Default, Lanciani failed to make
20 payment of rent and other charges to Plaintiff and on June 16, 2009, served upon Lanciani a Five
21 Day Notice to Pay or Quit the premises.

22 16. Lanciani failed and refused to pay the amounts owed and shortly after service of
23 the Five Day Notice, Lanciani vacated the Lease Premises.

24 17. Lanciani did not made any of the payments owed under the Lease and on August

1 4, 2009, Plaintiff filed a Complaint for Damages in the Eighth Judicial District Court, case
2 number A5965814 ("District Court Action").

3 18. On December 22, 2009, Clerk's Default was entered against Lanciani.

4 19. On September 20, 2010, an Order Granting Default Judgment against Lanciani
5 was entered in the District Court Action in favor of Plaintiff.

6 20. Plaintiff is informed and believes and therefore alleges that Defendant
7 IAVARONE is and/or was an officer, director, shareholder and/or owner of Lanciani, and is and
8 was the primary beneficiary of all ownership interests therein. In the exercise of ownership
9 rights and the exercise of duties as officer, director, shareholder, and/or owner, IAVARONE
10 exercised complete control over the activities and operations of Lanciani to the extent that
11 Lanciani performed acts as the mere alter ego of Defendant IAVARONE. To recognize Lanciani
12 as a separate entity and insulate the IAVARONE from liability would in effect sanction injustice
13 and operate as a fraud against Plaintiff.

14 21. Plaintiff is further informed and believes that Defendant IAVARONE
15 commingled funds and other assets, failed to segregate funds of Lanciani, conducted the
16 unauthorized diversion of corporate funds or assets, including the use of a corporation as a mere
17 shell, instrumentality or conduit for a single venture or the business of an individual or another
18 corporation, and formed and used a corporation to transfer to it the existing liability of another
19 person or entity.

20 **FIRST CLAIM FOR RELIEF**

21 **Alter Ego**

22 22. Plaintiff repeats, realleges, and incorporates by reference the foregoing
23 paragraphs as if set forth in full herein.
24

1 23. At all times relevant herein, Lanciani was influenced and governed by Defendant
2 IAVARONE, who is and was the president, an officer, a director, a shareholder, and/or an owner
3 of Lanciani and the primary beneficiary of all ownership interests therein.

4 24 Upon information and belief, there is a unity of interest and ownership between
5 Lanciani and Defendant IAVARONE such that one is inseparable from the other.

6 25. Upon information and belief, Defendant IAVARONE treated the assets of
7 Lanciani as assets of IAVARONE.

8 26. Upon information and belief, Defendant IAVARONE commingled funds and
9 other assets, failed to segregate funds of Lanciani, conducted the unauthorized diversion of
10 corporate funds or assets, including the use of a corporation as a mere shell, instrumentality or
11 conduit for a single venture or the business of an individual or another corporation, and formed
12 and used Lanciani to transfer to it the existing liability of IAVARONE.

13 27. Upon information and belief, Defendant IAVARONE transferred assets from
14 Lanciani to another entity in order to avoid payment of the debt owed to Plaintiff by Lanciani.

15 28. Upon information and belief, IAVARONE was the alter ego of Lanciani so that to
16 maintain the corporate formality would sanction a fraud or promote injustice to Plaintiff.

17 29. Plaintiff requests that the Court find that Defendant IAVARONE was the alter
18 ego of Lanciani, or that Defendant IAVARONE funneled assets to another entity owned by
19 IAVARONE, and that this Court disregard corporate formalities and hold IAVARONE
20 individually liable for all damages awarded in favor of Plaintiff.

21 30. Upon information and belief, Defendant IAVARONE's acts include, but are not
22 limited to, commingling of funds, undercapitalization, unauthorized diversion of funds, treatment
23 of corporate assets as the individual's own, and failure to observe corporate formalities.
24

1 31. Defendant IAVARONE's actions have caused damages to Plaintiff in an amount
2 in excess of \$10,000.00, plus interest and costs.

3 32. Plaintiff has incurred legal expenses and fees in connection with Defendant
4 IAVARONE's actions and Plaintiff is entitled to recovery of such legal expenses and fees as it
5 has been forced to retain the services of attorneys to prosecute this action.

6 WHEREFORE, Plaintiff prays for judgment against Defendant RICCARDO
7 IAVARONE, as follows:

8 1. For judgment against Defendant IAVARONE in an amount in excess of
9 \$10,000.00, which amount shall be proven at trial;

10 2. For a judgment against Defendant IAVARONE for the past-due rent and charges
11 and the future rent and charges owed under the Lease;

12 3. For an award of pre-judgment and post-judgment interest on all amounts due and
13 owing to Plaintiff.

14 4. For attorneys' fees and costs; and

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1 5. For such other and further relief as the Court may deem just and proper.

2 DATED this 3rd day of November, 2011.

3
4 KAEMPFER CROWELL RENSHAW
 GRONAUER & FIORENTINO

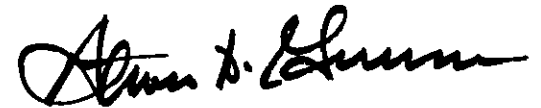
5
6 BY: 

7 JAMES E. SMYTH II (Nevada Bar No. 6506)
8 LESLEY B. MILLER (Nevada Bar No. 7987)
9 ANTHONY J. CELESTE (Nevada Bar No. 8776)
 8345 West Sunset Road, Suite 250
 Las Vegas, Nevada 89169
 Attorneys for Plaintiff

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21
22 KAEMPFER CROWELL RENSHAW
23 GRONAUER & FIORENTINO
24 8345 West Sunset Road
 Suite 250
 Las Vegas, Nevada 89113

EXHIBIT 2

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CLERK OF THE COURT

1 **ASCR**
JAMES E SMYTH II
2 Nevada Bar No. 6506
LESLEY B. MILLER
3 Nevada Bar No. 7987
ANTHONY J. CELESTE
4 Nevada Bar No. 8776
KAEMPFER CROWELL RENSHAW
5 GRONAUER & FIORENTINO
8345 West Sunset Road, Suite 250
6 Las Vegas, Nevada 89113
Telephone: (702) 792-7000
7 Fax: (702) 796-7181
jsmyth@kcnvlaw.com

8 **Attorneys for Plaintiff**

10 DISTRICT COURT

11 CLARK COUNTY, NEVADA

12 GRAND CANAL SHOPS II, LLC, a Delaware
limited liability company,

Case No. A-11-651462-C
Dept. No. XIX

13 Plaintiff,

14 vs.

ACCEPTANCE OF SERVICE

15 RICCARDO IAVARONE; and DOES I
through X, inclusive,

16 Defendant.

18 /././

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20 /././

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23 /././

24 /././

KAEMPFER CROWELL RENSHAW
GRONAUER & FIORENTINO
8345 West Sunset Road
Suite 250
Las Vegas, Nevada 89113

1 The undersigned hereby accepts service of the Summons to Riccardo Iavarone and
2 Complaint on behalf of Defendant RICCARDO IAVARONE in the above-entitled action.

3 DATED this _____ day of January, 2012.

4 WILLIAM E. COOPER LAW OFFICES

5
6
7 BY:

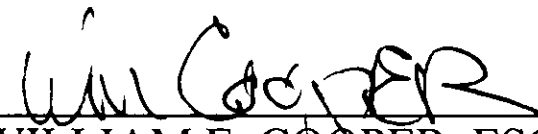

WILLIAM E. COOPER, ESQ.
601 East Bridger Avenue
Las Vegas, Nevada 89101
Attorneys for Defendant

EXHIBIT 3

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CLERK OF THE COURT

ANS
William E. Cooper, Esq.
William E. Cooper Law Offices
Nevada State Bar No. 2213
601 E. Bridger Avenue
Las Vegas, Nevada 89101
(702) 382-5111

Attorney for Defendant,
Riccardo Iavarone

DISTRICT COURT
CLARK COUNTY, NEVADA

GRAND CANAL SHOPS II, LLC, a
Delaware limited liability company,

Plaintiff,

vs.

RICCARDO IAVARONE; and DOES I
through X, inclusive,

Defendant.

Case No. A-11-651462-C
Dept. No. XIX

**DEFENDANT RICCARDO
IAVARONE'S ANSWER TO
PLAINTIFF'S COMPLAINT**

Comes now, Defendant Riccardo Iavarone ("Iavarone"), as and for his answer to the Complaint on file herein, admits, denies and avers as follows:

1. Answering Paragraph 1, admits that according to the official record of the Nevada Secretary of State, attached hereto as Exhibit A, Plaintiff is a Delaware Limited Liability Company with members/managers who are citizens of the State of Illinois.

2. Answering Paragraph 2, based on the Affidavit of Riccardo Iavarone which is attached hereto as Exhibit B, denies Defendant was a resident and living in the State of Nevada at all relevant times. Instead, at all relevant times Defendant was and is a United States citizen residing and domiciled in the State of New York.

3. Answering Paragraph 3, lacks sufficient knowledge as to the truth or falsity of the allegations contained therein and for that reason denies the allegations contained therein.

The Complaint fails to state a claim upon which relief can be granted.

Lack of jurisdiction over the person.

Plaintiff's claim is barred by the Doctrine of Waiver.

Plaintiff has failed to mitigate damages.

2

FIFTH DEFENSE

Plaintiff's claim is barred by the applicable statute of limitations.

SIXTH DEFENSE

Defendant is entitled to a set-off.

SEVENTH DEFENSE

Plaintiff's claim is barred by the Doctrine of Laches.

EIGHTH DEFENSE

Plaintiff is estopped from asserting any rights which it may have against this Defendant.

NINTH DEFENSE

Pursuant to NRCP Rule 11, as amended, all possible affirmative defenses may not have been alleged herein insofar as sufficient facts were not available after reasonable inquiry upon the filing of Defendant's Answer, and as such, answering Defendant reserves the right to amend this answer to add additional affirmative defenses if subsequent investigation and discovery warrants such an action.

....

WHEREFORE, Defendant Riccardo Iavarone prays as follows:

- a. That Plaintiff take nothing by reason of its Complaint;
- b. That Defendant be awarded his costs, expenses and attorney fees incurred in the defense of this action;
- c. That Plaintiff's Complaint be dismissed; and
- d. For such other relief as the court deems just and proper.

Dated this 9th day of February, 2012.

WILLIAM E. COOPER LAW OFFICES

By /s/ William E. Cooper, Esq.
 William E. Cooper, Esq.
 Nevada State Bar No. 2213
 601 E. Bridger Avenue
 Las Vegas, Nevada 89101
 Attorney for Defendant,
 Riccardo Iavarone

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the **DEFENDANT RICCARDO IAVARONE'S ANSWER TO PLAINTIFF'S COMPLAINT**, has been forwarded to the following parties on the 9th day of February, 2012.

Via Regular Mail
Lesley B. Miller
Kaempfer Crowell Renshaw
Gronauer & Fiorentino
8345 W. Sunset Road, Suite 250
Las Vegas, Nevada 89113

By: /s/ Diedre N. Hoffman
Diedre N. Hoffman, an employee
of William E. Cooper Law Offices

EXHIBIT A

GRAND CANAL SHOPS II, LLC

Business Entity Information

Status:	Active	File Date:	5/31/2002
Type:	Foreign Limited-Liability Company	Entity Number:	LLC6575-2002
Qualifying State:	DE	List of Officers Due:	5/31/2012
Managed By:	Managers	Expiration Date:	5/31/2502
NV Business ID:	NV20021067500	Business License Exp:	5/31/2012

Additional Information

Central Index Key:	
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Registered Agent Information

Name:	CSC SERVICES OF NEVADA, INC.	Address 1:	2215-B RENAISSANCE DR
Address 2:		City:	LAS VEGAS
State:	NV	Zip Code:	89119
Phone:		Fax:	
Mailing Address 1:		Mailing Address 2:	
Mailing City:		Mailing State:	NV
Mailing Zip Code:			
Agent Type:	Commercial Registered Agent - Corporation		
Jurisdiction:	NEVADA	Status:	Active

Financial Information

No Par Share Count:	0	Capital Amount:	\$ 0
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No stock records found for this company

Officers

☐ Include Inactive Officers

Manager - ALAN J BAROCAS			
Address 1:	110 N. WACKER DR	Address 2:	
City:	CHICAGO	State:	IL
Zip Code:	60606	Country:	
Status:	Active	Email:	
Manager - STEVEN J DOUGLAS			
Address 1:	110 N. WACKER DRIVE	Address 2:	
City:	CHICAGO	State:	IL
Zip Code:	60606	Country:	
Status:	Active	Email:	
Manager - MICHELLE A DREYER			
Address 1:	110 N. WACKER DRIVE	Address 2:	
City:	CHICAGO	State:	IL
Zip Code:	60606	Country:	
Status:	Active	Email:	
Manager - EDMUND J HOYT			
Address 1:	110 N. WACKER DR	Address 2:	

City:	CHICAGO	State:	IL
Zip Code:	60606	Country:	
Status:	Active	Email:	
Manager - ANDREW T PANACCIONE			
Address 1:	110 N. WACKER DR.	Address 2:	
City:	CHICAGO	State:	IL
Zip Code:	60606	Country:	
Status:	Active	Email:	

Actions\Amendments

Action Type:	Application for Foreign Registration		
Document Number:	LLC6575-2002-001	# of Pages:	1
File Date:	5/31/2002	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	LLC6575-2002-006	# of Pages:	1
File Date:	7/26/2002	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	LLC6575-2002-005	# of Pages:	1
File Date:	4/15/2003	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	LLC6575-2002-002	# of Pages:	1
File Date:	5/10/2004	Effective Date:	
List of Officers for 2004 to 2005			
Action Type:	Amendment		
Document Number:	LLC6575-2002-003	# of Pages:	1
File Date:	5/17/2004	Effective Date:	
CERTIFICATE OF AMENDMENT FILED AMENDING ARTICLES 5,6 & 7. (2)PGS MLJ			
Action Type:	Registered Agent Change		
Document Number:	LLC6575-2002-004	# of Pages:	1
File Date:	5/17/2004	Effective Date:	
NATIONAL CORPORATE RESEARCH, LTD.			
202 S. MINNESOTA CARSON CITY NV 89703 MLJ			
Action Type:	Annual List		
Document Number:	20050172877-49	# of Pages:	1
File Date:	5/09/2005	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20060296857-45	# of Pages:	1
File Date:	5/08/2006	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20070328659-52	# of Pages:	1
File Date:	5/09/2007	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20080320359-82	# of Pages:	1
File Date:	5/08/2008	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		

Document Number:	20090497292-34	# of Pages:	1
File Date:	6/22/2009	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20100286492-14	# of Pages:	1
File Date:	4/29/2010	Effective Date:	
(No notes for this action)			
Action Type:	Annual List		
Document Number:	20110397711-42	# of Pages:	2
File Date:	5/27/2011	Effective Date:	
(No notes for this action)			

EXHIBIT B

AFFIDAVIT OF RICCARDO IAVARONE

STATE OF NEW YORK
COUNTY OF QUEENS } ss.

RICCARDO IAVARONE, being duly sworn, deposes and says:

1. I am the named Defendant in a case entitled: *Grand Canal Shops II, LLC v. Riccardo Iavarone*, Case No. A-11-651-462-C, Dept. No. XIX, filed in the Eighth Judicial District Court of the State of Nevada, in and for the County of Clark.

2. I have reviewed the Complaint. Paragraph 2 of the Complaint alleges that at all relevant times I was a resident of County of Clark and living in the State of Nevada. That allegation is false. At all relevant times I have been and I am domiciled in and a resident and citizen of the State of New York.


RICCARDO IAVARONE

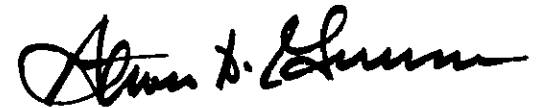
SUBSCRIBED and SWORN to me
before this 9TH day of February, 2012.


NOTARY PUBLIC in and for said
COUNTY and STATE

JOHN A. GHEDINI
Notary Public, State of New York
No. 01GH6017476
Qualified in Queens County
Commission Expires Dec. 14, 2014

EXHIBIT 4

Electronically Filed
09/20/2010 10:50:12 AM



CLERK OF THE COURT

ORDR

JAMES E. SMYTH II

Nevada Bar No. 6506

ANTHONY J. CELESTE

Nevada Bar No. 8776

KAEMPFER CROWELL RENSHAW

GRONAUER & FIORENTINO

8345 West Sunset Road, Suite 250

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Telephone: (702) 792-7000

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jsmyth@kcnvlaw.com

aceleste@kcnvlaw.com

Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

GRAND CANAL SHOPS II, LLC, a Delaware
limited liability company and **debtor in**
possession,

Plaintiff,

vs.

LANCIANI OF LAS VEGAS INC., a Nevada
corporation dba LANCIANI TRAVEL
JEWELRY; DOES I through X; and ROE
BUSINESS ENTITIES I through X, inclusive,

Defendants.

Case No. 09A596584

Dept. No. XI

**ORDER GRANTING DEFAULT
JUDGMENT AGAINST LANCIANI OF
LAS VEGAS INC. DBA LANCIANI
TRAVEL JEWELRY**

An Application having been duly made by Plaintiff GRAND CANAL SHOPS II, LLC
("Plaintiff") for default judgment against Defendant LANCIANI OF LAS VEGAS INC. dba
LANCIANI TRAVEL JEWELRY ("Defendant"), and the Default having been entered for failure
to answer or otherwise defend as to Plaintiff's Complaint, and it appearing that the Defendant is a

///.

///.

juristic entity, not in the military service of the United States and not an infant or incompetent person, and good cause appearing therefor,

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that judgment is entered in favor of Plaintiff GRAND CANAL SHOPS II, LLC and against Defendant LANCIANI OF LAS VEGAS INC. dba LANCIANI TRAVEL JEWELRY, in the total sum of \$258,356.73 as further itemized herein below, which sum shall accrue interest at the statutory rate as provided by law until satisfied in full.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED, that said judgment is itemized as follows:

- a. For the sum of \$244,898.87 in past due rent, past due CAM charges, past due HVAC charges, past due water charges, late fees, and other charges due under the Lease;
- b. Upon written motion, for attorneys' fees in the amount of \$3,732.50 and costs in the amount of \$513.40 reasonably incurred in the prosecution of this matter;
- c. For an award of pre-judgment interest at the statutory rate of prime plus 2%, or 5.25% (as of January 1, 2010), on the past due balance of \$244,898.87 from August 7, 2009 (date of service of process of Defendant) through August 24, 2010, totaling \$13,457.86 (\$35.23 per day for 382 days);
- d. For an award of post-judgment interest at the statutory rate of prime plus 2%, currently 5.25% (as of January 1, 2010) and accruing on all amounts due and owing to Plaintiff until judgment is satisfied in full;
- e. For a reservation of jurisdiction to revise the future/expectation damage award if Plaintiff is unable to further mitigate its damages after August 1, 2010; and

1 f. Upon written motion, for a reservation of jurisdiction to revise the attorneys'
2 fees/costs damage award if Plaintiff is required to incur additional legal fees and
3 costs after August 1, 2010;

4 **IT IS SO ORDERED.**

5 DATED this 9 day of ~~August~~
September, 2010.

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7 
DISTRICT COURT JUDGE
8 

8 Submitted by:

9 KAEMPFER CROWELL RENSHAW
10 GRONAUER & FIORENTINO

11 By: 

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